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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,302	02/23/2004	E. Charles Craig	1431	7834

7590 06/29/2006

Law Offices of John D. Gugliotta, PE, Esq.
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137 South Main Street
Akron, OH 44308

EXAMINER

TANG, SON M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,302

Applicant(s)

CRAIG, E. CHARLES

Examiner

Son M. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komatsu [US 5,076,260] in view of Ono et al. [US 5,181,504; Ono].

Regarding to claim 1: Komatsu discloses a sound activated alarm comprising:

-a plurality of vibrating modules (53);

-a control box receiving external stimuli (such as microphone 47, fire or emergency 21 or security system 20) and actuating vibration of said plurality of vibrating modules [Fig. 1-2 and 5, col. 5-15, col. 8, lines 1-7], Komatsu does not specifically disclose that vibration modules embedded in a blanket selectively placed on a sleeping surface. Ono teaches a vibrator (27) which can be build into a blanket (as an alternative to a mattress) for awaking user [see col. 3, lines 9-23]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to implement a vibrator into a blanket as taught by Ono, for the benefit that user is being able to carry the vibration blanket to any bed or room as user desired.

Regarding to claim 2: Komatsu further discloses that wherein said plurality of vibrating modules are wire in parallel [col. 9, lines 27-28].

Regarding to claim 3: Komatsu and Ono discloses all the limitation as described above, except for not specifically show that the vibrating modules is mounted to a layer of said

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vibrating blanket via a flange and thread. As long as, the vibrating modules is mounted to the blanket, using any method such as flange and thread for the same result is not constitutes an inventive step, but it's a matter of design choice. Therefore, it would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to use any appropriate known method to mount said vibration modules to the blanket, including a flange and thread as claimed.

Regarding to claim 4: Komatsu and Ono disclose all the limitation as described above, Komatsu further discloses said external stimuli is audible [col. 8, lines 1-6].

Regarding to claim 5: Komatsu and Ono disclose all the limitation as described above, Ono further teaches that control box electrically coupled to the vibrating blanket by an interconnecting cable 28, but not specific that said cable carrying low voltage. Since, vibration device is a human contact device, for the safety reason, human contacts device commonly uses a low voltage supply. Therefore, it would have been obvious of one having ordinary skill in the art that the cable 28 is a low voltage cable that carry low voltage signal to the vibrator, for the purpose of a safety issue.

Regarding to claim 6: Komatsu and Ono disclose all the limitation as described above, Komatsu further discloses the control box comprises a microphone 47, audio amplifier 46 and analyzer 30 [Fig. 2].

Regarding to claims 7-9: Komatsu further discloses a plurality remote input terminals wired in parallel (1-17, 20-21) [see Fig. 1] for receiving a plurality of external devices that may activated said plurality of vibrating modules [col. 5, lines 52-67].

Regarding to claim 10: Komatsu further discloses a power supply circuit 24, Komatsu does not specifically show a battery pack operative during electricity outage. It is

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commonly to use battery as a backup power or an alternative power in the art, Examiner taken Official Notice that battery pack uses as a backup power is known in the art. Therefore, it would have been obvious of one having ordinary skill in the art at the time the invention was made, to have a battery pack as a backup power supply in the system of Komatsu. In doing that, to prevent any fail alarm when power outage.

Response to Arguments

3. Applicant's arguments filed 4/14/06 have been fully considered but they are not persuasive.

Applicant argued: (1) Komatsu requires that a vibrator and a control box mounted on a body support (bed), not on a blanket, so that both vibrator and control box are mobile. (2) Ono teaches nothing regarding a control box receiving external stimuli.

Examiner responses: (1) First of all, Komatsu never mention that it requires a vibrator to be mounted on a body support (bed) only, Komatsu otherwise suggested that, vibrators can be mounted on a variety objects such as bed, chair or inside a floor [see col. 6, lines 27-28], may be used as for the purpose of intended use, in that contents, the vibrator and the control box are performing equally well on any intended object as for the same purpose of awaking user, including blanket, bed quilt, mattress, chair and mat as suggested by Ono [see col. 3, lines 9-20]. Further more, Ono suggested in Fig. 5 that the vibration generator can be build in a bed quilt that connected to a driving means (29) (control box) [see col. 6, lines 48-67], it is obvious that Komatsu's alarm vibrator system can be modified on the vibration blanket along with a control box as suggested by Ono, for the purpose of used as alarm awaking user, and use as a mobile blanket.

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(2) Komatsu already teaches a control box receiving external stimuli (such as emergency broadcast, fire alarm etc.), Ono also had a driving means (29) (control box) for controlling vibration generators is connected to a mobile vibration bed quilt or blanket, therefore, Komatsu and Ono are perfectly combinable. If Ono's control box had receiving external stimuli function, Ono's reference would be used as USC 102 rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Muncheryan [US4,093,944], Hajel [US 5,867,105], Larkin et al. [US 5,686,884] and Salzhauer et al. [US 7,005,999].

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son Tang


BENJAMIN C. LEE
PRIMARY EXAMINER